

REMARKS

This paper is filed in response to the Office Action mailed on 21st July 2006. The office action required election of a single disclosed species from one of the following groups of species:

- I Figure 1;
- II Figure 2;
- III Figures 3 and 4;
- IV Figures 5 and 6;
- V Figure 7;
- VI Figure 8;
- VII Figures 9 and 10;
- VIII Figure 11.

The office action further required a listing of all claims readable onto the elected species.

In response to the request to elect, Applicant provisionally elects the third species, namely figures 3 and 4 for prosecution on the merits should the Examiner consider there to be no generic invention. Claims 1 to 6, 8, 12, 13, 18 to 21, 23 and 25 are readable thereon.

Traversal of Restriction Requirement

Applicant traverses the restriction requirement on the grounds that the Examiner will not incur an undue burden, which is one of the two requirements for supporting a restriction requirement as noted in the Manual for Patent Examining Procedure § 803. It is respectfully submitted that during the searching of the prior art for the limitations recited in the claims of the provisionally elected species, the Examiner will necessarily search the classes that include the other Groups. Further, it is submitted that during the course of that search, the Examiner will by necessity search and consider these limitations and in doing so will necessarily search the art in the classes and subclasses of the other Groups. Therefore, the Examiner will not be subjected to multiple searches and thus the current situation does not constitute an undue burden for the Examiner. In view of the above arguments, Applicant requests that the restriction requirement be reconsidered and withdrawn, and all the claims be examined together on the merits.

Furthermore, it is noted that the Examiner considers the claims to relate to different species that are not linked to form a single general inventive concept under PCT Rule 13.1. It is respectfully noted that while PCT Rule 13.1 is not applicable in the present procedure, the PCT Examiner at the European Patent Office had previously identified a single inventive concept present in claim 1 that covered all eight species identified above. According to the International Preliminary Examination Report, the authorized officer found that the use of a circumferentially acting vibration absorbing device in a train wheel set for attenuation of torsional vibration was new and inventive. On this basis, the requirement to restrict is also traversed, since all claimed species have been considered by the PCT authorized officer to fall within the same generic invention.

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing the docket number shown above.

The Examiner is respectfully requested to contact the undersigned by telephone at the number given below in order to resolve any questions.

Respectfully submitted,


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